

East Area Planning Committee

2nd October 2013

**Application Number:** 13/02146/FUL

**Decision Due by:** 15th October 2013

**Proposal:** Demolition of existing conservatory. Erection of part single storey, part two storey, side and rear extension including balcony to rear.

**Site Address:** 65 Asquith Road Oxford Oxfordshire OX4 4RN  
**(Location Plan – Appendix 1)**

**Ward:** Rose Hill And Iffley Ward

**Agent:** Mr David Rhys

**Applicant:** Mr & Mrs Gavin Lovatt

**Application Called in –** by Councillors – Turner, Fry, Rowley and Sanders  
for the following reasons – Level of harm to residential amenity

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## **Recommendation:**

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 Having regard to its height, projection to the rear and proximity to the boundary, as well as the proposed balcony and the sloping nature of the site and surrounding gardens, the proposed development would result in an overshadowing and overbearing effect to the adjacent gardens at 63 and 67 Asquith Road as well as an increase in the perception of overlooking, all to the detriment of the residential amenity of current and future adjacent occupiers and contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016 and HP14 of the Sites and Housing Plan.
- 2 Having regard to its height, depth, width and overall bulk and mass relative to the existing house and surrounding properties, the proposed development would form an overly large and bulky addition to the house and would appear jarring and incongruous when viewed from the gardens of surrounding properties, to the detriment of visual amenity and contrary to Policies CP1 and CP8 of the adopted Oxford Local Plan 2001 - 2016, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016 (OLP)**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP10** - Siting Development to Meet Functional Needs

### **Core Strategy**

**CS11\_** - Flooding

**CS18\_** - Urban design, town character, historic environment

### **Sites and Housing Plan**

**MP1** - Model Policy

**HP9\_** - Design, Character and Context

**HP14\_** - Privacy and Daylight

**HP16\_** - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework

Oxford City Council Planning Design Guide 2 – Side Extension (Design Guide 2)

### **Relevant Site History:**

13/00866/FUL - Demolition of existing conservatory. Erection of part single storey, part two storey, side and rear extension including balcony to rear. WDN 20th August 2013.

### **Representations Received:**

No comments received

### **Statutory and Internal Consultees:**

Local Drainage Authority: Drain using SUDs methods

### **Issues:**

Visual appearance

Effect on adjacent occupiers

Flooding

## **Officers Assessment:**

### Site description and proposal

1. 65 Asquith Road is an end of terrace house backing onto the Southern Bypass with a larger than average rear garden and access to the side. Built as a two bedroom house with a ground floor bathroom, the house has been internally altered to provide three bedrooms.
2. Having recently taken responsibility for two additional children, the applicants have a pressing need for more accommodation, in particular bedrooms and an upstairs bathroom. Permission is sought to erect a large single and two storey extension to the side and rear, along with the erection of a terrace to the rear of the extended ground floor. The current proposals are an amended form of those submitted under application 13/00866/FUL and attempt to address officer concerns relating to the scale of the proposals and effect on adjacent occupiers.

### Design

3. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
4. Although reduced from the previous submission, the proposed development is still unusually large and parts will be visible from the public domain.
5. The side extension is set back from the existing front wall and down from the ridge. At a maximum projection beyond the side wall of 2.35metres, the side extension is less than half the width of the existing house. The depth of the extension, at 11.5 metres is unusually deep, but partly because of the orientation of 65 Asquith Road in relation to number 67, this will only be apparent from limited areas of the public domain. Overall, the extensions would appear subservient to the existing house when viewed from the street, the development complies with Design Guide 2 and the visual impact on the public domain would be limited.
6. However, the visual impact when viewed from the rear of the side would be significant. The development would more than double the original 35 square metre footprint of the house and project over 5 metres behind the original rear wall on the ground floor and four metres on the first floor, with the two storey element continuing beyond the side wall and wrapping round the side of the original house. The visual relationship with the existing house is accentuated by the current small size of the house. The sloping nature of the site and the provision of a terrace / balcony area would only serve to accentuate the visual bulk and mass of the proposals when viewed from the rear gardens of surrounding properties.

7. Officers note the existing conservatory which would be replaced and the pitched roof nature of the proposals, but for the reasons given above the proposed extensions would fail to achieve an appropriate visual relationship with the existing house to the detriment of visual amenity and contrary to Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

#### Effect on adjacent occupiers

8. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim.
9. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
10. The 45-degree guidance indicates that the development will not result in a material loss of light to adjacent habitable rooms. However this is partly because of an existing porch at number 63, and partly because of the orientation of number 67, which is somewhat splayed away from 65. The adjacent glazed door at 63 serves the porch lobby rather than a habitable room and the small window on the far side of the porch is already significantly affected by the porch, such that the proposed extension will not materially reduce the level of light reaching this window. The remaining windows at 63 and 67 are far enough away to be materially unaffected by the proposals.
11. Officers have had regard to any creation of an overbearing or overshadowing effect to the adjacent gardens and consider that there will be an effect, specifically to number 63, where the relatively flat area immediately behind the house is likely to be the most intensively used part of the garden and will be overshadowed for much of the afternoon. The large bulk of the single and two storey extension will also appear overbearing to this space and the corresponding area at number 67.
12. In addition, the ground floor balcony will increase overlooking and perception of overlooking to adjacent gardens and this would be exacerbated by the fall in ground level to the rear of the plots. When considered cumulatively with the overbearing and overshadowing effects explained above, the effect on the living conditions of the occupants of neighbouring properties is unacceptable.
13. Overall, the proposals will result in a material loss of residential amenity for the current and future occupants of adjacent properties. and contrary to Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

#### Parking

14. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that different levels of parking will be suited to different areas and that developers should have

regard to current best practice. Oxfordshire County Council has published “Car parking standards for new residential developments” (parking standards) which includes a guide to maximum parking provision in Appendix A.

15. Appendix A of the above parking standards suggests that a maximum of two parking should be provided for a house of more than one bedroom. 65 Asquith Road currently has space to park two cars on the frontage and therefore accords with CP1 of the OLP and the SHP.

### Flooding

16. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.
17. The Local Drainage Authority has suggested that drainage from the development be compatible with the principles of Sustainable Urban Drainage Systems (SUDS) and it is considered reasonable for any grant of planning permission to be conditional on SUDS compliant drainage in order to reduce the rate of run off and the risk of flooding in accordance with Policy CS11 of the Core Strategy.

### **Conclusion:**

18. The proposed development fails to form an acceptable visual relationship with the existing building and local area, would result in an unacceptable effect on the current and future occupants of adjacent properties and the proposals therefore fail to comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016, CS18 of the Core Strategy and Policies HP9, HP14 and HP16 of the Sites and Housing Plan.

### Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

### Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 23rd September 2013